

PATENT
Serial No. 10/511,800
Amendment in Reply to Final Office Action mailed on July 14, 2006

REMARKS

The following remarks are being filed in response to the Final Office Action mailed on July 14, 2006, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the following remarks and arguments are respectfully requested.

In the Final Office Action, claims 6-9 are rejected under 35 U.S.C. §112, second paragraph for an informality. Without agreeing with the Examiner, and in the interest of advancing prosecution and expediting allowance, claim 6 has been amended in accordance with the Examiner's suggestion. It is respectfully submitted that the rejection of claims 6-9 has been overcome and an indication as such is respectfully requested.

In the Final Office Action, claims 1-12 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,115,025 (Buxton) in view of U.S. Patent No. 6,658,276 (Kianl). It is respectfully submitted that claims 1-16 are patentable over Buxton and Kianl for at least the following reasons.

Buxton is directed to a system for maintaining orientation of

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a user interface as a display changes orientation. Thus, Buxton is concerned with the user interface. As shown in FIGs 3A-3C, a displayed model 34 is exactly the same size in all three figures. Kianl is cited in an attempt to remedy the deficiencies in Buxton.

Kianl is directed to a pulse oximeter user interface that has a display with a plurality of views for presenting data responsive to a physiological condition. Data can be shown in horizontal or vertical formats as shown in FIGs 5A and 5B, respectively. In particular, FIGs 5A-5B show a signal quality waveform and a series of vertical lines 510 in horizontal and vertical formats.

As clearly shown in FIGs 5A-5B of Kianl, the signal quality waveform and the series of vertical lines 510 in the horizontal format have the same height but different widths when viewed in the vertical format. In other words, the pulse waveforms in FIGs 5A-5B do not have the same aspect ratio in the horizontal and vertical formats.

In stark contrast, the present invention as recited in amended independent claims 1 and 6, amongst other patentable elements, requires (illustrative emphasis provided):

wherein at least one of the second and third

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images has a different size than the first image
and a same aspect ratio as the first image.

It is respectfully submitted that the same height but different widths, i.e., different aspect ratios, of the signal quality waveform and the series of vertical lines 510 in the two formats shown in FIGs 5A-5B of Kianl teach away from having an image of a different size but the same aspect ratio as recited in independent claims 1 and 6.

Accordingly, it is respectfully submitted that independent claims 1 and 6 should be allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-5 and 7-16 should also be allowed at least based on their dependence from independent claims 1 and 6.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of

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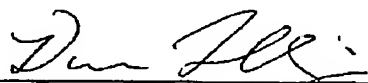
the Examiner's statements are conceded. And in particular, no Official Notices are conceded.

It is believed that no additional fees or charges are currently due beyond the fee for filing of the Request for Continued Examination (RCE). However, in the event that any additional fees or charges are required for entrance of the accompanying amendment, they may be charged to Applicant's representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to Deposit Account No. 50-3649.

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In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By 
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August 23, 2006

Enclosure: Request for Continued Examination (RCE) Transmittal
Authorization to charge credit card \$790 for RCE
filing fee

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